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By: Richard D. Fuerle

Signature: [Signature]
Date: March 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YOSHIYUKI ANDO
Serial No.: 10/065,955
Filed: December 04, 2002
For: ION IMPLANTATION METHODS AND TRANSISTOR
CELL LAYOUT FOR FIN TYPE TRANSISTORS
Examiner: Loke, Steven Ho Yin
Group Art Unit: 2811

The Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RESPONSE

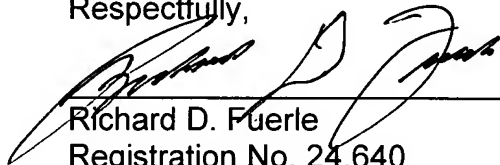
This response is in reply to the Office Action dated March 19, 2004.

In response to the restriction requirement between Group I, Claims 10, 22, and 23 and Group II. Claims 1 to 9, 11 to 21, and 24 to 26, Applicant elects Group II, Claims 1 to 8, 11 to 21, and 24 to 26 with traverse. The requirement is traversed because Claims 19, 22, and 23 are product-by-process claims that depend from Claim 1 and

therefore are not independent and distinct, as required by 37 CFR §1.141(b). The product of Group (I) can be made only by the process of Group (II) as the claims themselves specify that the product is made by the process of Claim 1 (or a claim dependent from Claim 1).

In addition, Applicant hereby expressly admits that the claimed inventions of Groups I and II are obvious over each other within the meaning of 35 U.S.C. §103. Under MPEP 803, the Examiner is now required to withdraw the restriction requirement and examine all of the claims, and Applicant so requests.

Respectfully,



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For Applicant

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CASE YA04